

Appl. No.: 09/896,853
Grp./A.U. 1751

Remarks:

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

Claims 17 and 22 have been amended in order to correct typographical errors. No new matter is thought to be introduced thereby.

New claim 23 has been added. No new matter is thought to be introduced thereby.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claim 22 is objected to because of a typo. Claim 22 has been amended, per the Examiner's suggestion. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claims 11-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pruehs et al. (US 4,898,621). This rejection is respectfully traversed for the following reasons.

With respect to claim 11, the transitional phrase "comprising" has been changed to "consisting essentially of", the effect of which is to exclude those ingredients which would affect the basic and novel characteristics of the product defined in the claim. Claim 11 relates to an aqueous **laundry detergent** whereas the composition disclosed in the Pruehs reference relates to a **rinse aid** for use in washing dishes, kitchen utensils, and the like. The rinse aid composition of Pruehs contains ingredients which would alter the basic and novel characteristics of the presently-claimed invention. As a result, since the newly amended transitional phrase effectively excludes these rinse aid ingredients, the Pruehs reference cannot serve to anticipate the present invention.

As for the process claims (17-21 and 23), since they are directed to an aqueous

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laundry detergent and process for washing textiles, rather than a **rinse aid** and process for washing dishware, clearly the Pruehs reference fails to anticipate said process claims.

Accordingly, for the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11-14 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 12-14 of copending Application No. 10/257,853. This rejection is respectfully traversed for the following reasons.

As was noted by Applicant above, with respect to the previous rejection, the newly amended transitional phrase "consisting essentially of" excludes those ingredients which would affect the basic and novel characteristics of the claimed product. The claimed product is an **aqueous** laundry detergent. The product of the '853 reference, on the other hand, is a laundry detergent contained in either a water-insoluble or water-soluble sack. The sack component of the '853 product is clearly a necessary component of its invention. However, its use in combination with the claimed **aqueous** laundry detergent would clearly be deleterious to its performance, thereby rendering it **excluded** from the claimed invention by virtue of both common sense and the transitional phrase "consisting essentially of".

Moreover, the requirement of a sack component, whether it be water-soluble or insoluble, serves as a teaching away from the claimed **aqueous** laundry detergent of the present invention since the required sack could not be used in combination with the claimed invention. This being the case, Applicant would like to note that it is well settled that one important indicium of non-obviousness is the teaching away from the claimed invention by the prior art. See, *In re Braat*, 16 USPQ2d, 1812 (Fed. Cir. 1990). As a

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result, Applicant respectfully submits that rather than render the claimed invention prima facie obvious, the '853 reference **teaches away** therefrom.

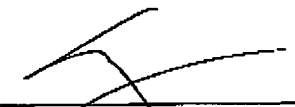
Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

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